



DEPARTMENT OF THE NAVY

OFFICE OF THE CHIEF OF NAVAL OPERATIONS

2000 NAVY PENTAGON

WASHINGTON, DC 20350-2000

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Ser DNS-36SF/15U105580

6 Apr 15

Sent via email to: sidmatthew@earthlink.net

Mr. Sidney L. Matthew
135 South Monroe Street
Suite 100
Tallahassee, FL 32302

Dear Mr. Matthew:

This letter is sent in reference to your Freedom of Information Act (FOIA) request dated May 15, 2014. Your request was received in our office on the same day and assigned FOIA case number DON-NAVY-2014-005966.

You requested documents showing dates and circumstances in the past six years (2008-2014) of on the following federal facilities:

- a. Naval Station Newport (Newport, Rhode Island)
- b. Naval Undersea Warfare Center (NUWC) (Newport, Rhode Island)
- c. Washington Navy Yard (Washington, D.C.)
- d. Yorktown Naval Weapons Station (Williamsburg, West (sic) Virginia)
- e. Newport Naval Complex (Newport, Rhode Island)
- f. Naval Surface Warfare Center, Carderock Division (Carderock, Maryland)
- g. Office of Naval Research (Crystal City, Virginia)

(1) (...) showing incidents (...) where searches of persons/vehicles revealed the unlawful/improper possession of a firearm by a person on a Federal facility in violation of Navy instructions/ regulations/ policy and Title 18 United States Code §930.

(2) (...) showing the dates and circumstances (...) involving confiscation of firearms unlawfully/ improperly in the possession of persons present.

(3) (...) arrests made of persons in illegal/improper possession of firearms (...)

(4) (...)Any and all reports (...) made by and to the Commander of each facility (...) and concerning the incidents/arrests of persons unlawfully (improperly in the possession of firearms (...).

(5) (...) showing actions taken by the United States Navy (...) against persons found to unlawfully/improperly be in possession of firearms (...).

(6) (...) showing the policy/practice (...) followed by, each commander of each of the following Navy facilities for the search/screening to detect and discover the presence of persons unlawfully/ improperly in the possession of firearms (...)

(7) Please provide number of firearms registered by the Commander (...) to be properly possessed by service men and civilian employees (...)

In regard to records pertaining to Naval Station Newport (Newport, Rhode Island), (including the areas that you specified Naval Undersea Warfare Center (NUWC) and Newport Naval Complex,) for request items 1-5, a search of our offices for potentially responsive documents produced approximately Ninety-Nine (99) pages of documents across six (6) files. Upon review, we determined that these files contain personally identifiable information (e.g., names, phone numbers, and email addresses), which is exempt from disclosure under 5 U.S.C. § 552(b)(6), since release of this information would result in a clearly unwarranted invasion of their personal privacy. Additionally, since the requested documents are categorized as law enforcement records we determined that these files contain personally identifiable information of alleged suspects, witnesses, arresting and prosecuting officials (e.g., names, phone numbers, and email addresses), which is exempt from disclosure under 5 U.S.C. § 552(b)(7)(c) since the release of this information could reasonably be expected to constitute an unwarranted invasion of personal privacy. The portions containing this information have been marked and redacted. The remaining

apportioned information is being released to you. The list of documents in this category of documents follows:

- a. ICR083241100154__Newport_Redacted
- b. ICR083241100371__Newport_Redacted
- c. ICR103241101219__Newport_Redacted
- d. ICR113241100027__Newport_Redacted
- e. ICR113241100500__Newport_Redacted
- f. ICR113241100332__Newport_Redacted

In regard to records pertaining to Naval Station Newport request item 6, a search of our offices for potentially responsive documents produced approximately twenty-six (26) pages of documents across two (2) files. These documents are released to you in their entirety. The list of documents in this category of documents follows:

- a. 5530_7A_PRIVATELY_OWNED_WEAPONS_ON_NAVAL_STATION_NEWPORT
- b. 5530_7B_Privately_Owned_Weapons_on_NAVSTA_Newport_(19DEC2012)

In regard to records pertaining to Naval Station Newport request item 7, a search of our offices determined that the number of firearms registered by the Commander (...) to be properly possessed by service men and civilian employees over the last five (5) years is twenty-two (22).

In regard to records pertaining to Yorktown Naval Weapons Station (Williamsburg, Virginia), request items 1-5, a search of our offices for potentially responsive documents produced approximately fifty-five (55) pages of documents across two (2) files. Upon review, we determined that these files contain personally identifiable information (e.g., names, phone numbers, and email addresses), which is exempt from disclosure under 5 U.S.C. § 552(b)(6), since release of this information would result in a clearly unwarranted invasion of their personal privacy. Additionally, since the requested documents are categorized as law enforcement records we determined that these files contain personally identifiable information of alleged

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suspects, witnesses, arresting and prosecuting officials (e.g., names, phone numbers, and email addresses), which is exempt from disclosure under 5 U.S.C. § 552(b)(7)(c) since the release of this information could reasonably be expected to constitute an unwarranted invasion of personal privacy. The portions containing this information have been marked and redacted. The releasable apportioned information is being released to you. The list of this category of documents follows:

a. Firearms_FOIA_-_Yorktown_(1)_Redacted

b. Firearms_FOIA_-_Yorktown_(2)_Redacted

In regard to records pertaining to Yorktown Naval Weapons Station request item 6, a search of our offices for potentially responsive documents produced approximately 55 pages of documents across three (3) files. Upon review, one (1) these files, two (2) pages, contain information that would disclose guidelines for law enforcement investigations or prosecutions, and, therefore, disclosure could reasonably be expected to risk circumvention of the law and are thus exempt from disclosure under 5 U.S.C. § 552(b)(7)(E). The remaining fifty-three (53) pages of these documents are being released to you in their entirety. The list of this category of documents follows:

a. Firearms_FOIA_-_Yorktown_(1) 13

b. Firearms_FOIA_-_Yorktown_(2)_COMNAVREG MIDLANT
INST 5820.2

In regard to records pertaining to Yorktown Naval Weapons Station request item 7, a search of our offices determined that the number of firearms registered by the Commander (...) to be properly possessed by service men and civilian employees over the last five (5) years is One-Hundred Fourteen (114).

In regard to records pertaining to Washington Navy Yard (Washington, D.C.) and Naval Surface Warfare Center, Carderock Division (Carderock, Maryland) the Naval District of Washington (NDW) was identified the responsive agency to hold potentially responsive records subject to your request. Regarding request items 1-5, a search of our offices for potentially responsive documents produced approximately 3 pages of documents across 1 file. Upon review, we determined that this file contain personally identifiable information (e.g., names, phone numbers, and email addresses), which is exempt from disclosure under 5

U.S.C. § 552(b)(6), since release of this information would result in a clearly unwarranted invasion of their personal privacy. Additionally, since the requested documents are categorized as law enforcement records we determined that these files contain personally identifiable information of alleged suspects, witnesses, arresting and prosecuting officials (e.g., names, phone numbers, and email addresses), which is exempt from disclosure under 5 U.S.C. § 552(b)(7)(c) since the release of this information could reasonably be expected to constitute an unwarranted invasion of personal privacy. The portions containing this information have been marked and redacted. The releasable apportioned information is being released to you. The document in this category of documents is titled WNY_Firearms report-_Redacted.

In regard to records pertaining to the Washington Navy Yard request item 6, a search of our offices for potentially responsive documents identified the search/ screening policy/ practice. However, these files contain information that would disclose guidelines for law enforcement investigations or prosecutions, and, therefore, disclosure could reasonably be expected to risk circumvention of the law and are thus exempt from disclosure under 5 U.S.C. § 552(b)(7)(E).

In regard to records pertaining to the Washington Navy Yard request item 7, since before 2014 the possession of personal firearms was illegal the number of firearms registered by the Commander (...) to be properly possessed by service men and civilian employees over the last five (5) years is 0. After consultation with NDW regarding offices of Naval Surface Warfare Center, Carderock Division (Carderock, Maryland, no responsive records were located.

Lastly, in regard to Office of Naval Research (ONR), whose offices reside at One Liberty Center, Arlington, Virginia, records pertaining to your request would be maintained under the control of the Pentagon Forces Protection Agency. Therefore, these records are not in the possession and control of the Department of the Navy, but may be maintained by the Office of the Secretary of Defense and Joint Staff FOIA Request Service Center. Please be advised, you will need to submit your request for these records to OSD/JS FOIA Requester Service Center. You can submit your request on line at http://www.dod.mil/pubs/foi/submit_PALfoiaform.html. You can also submit a request via mail to:

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OSD/JS FOIA Requester Service Center
Office of Freedom of Information
1155 Defense Pentagon
Washington, DC 20301-1155
Fax (571) 372-0500

Because your request is partially denied, you are advised of your right to appeal the denial of your request by writing to:

Office of the Judge Advocate General
1322 Patterson Ave, SE, Ste 3000
Washington Navy Yard, DC 20374-5066

Your appeal must be postmarked within sixty calendar days from the date of this letter. A copy of your initial request and this letter must accompany the appeal. The appeal should be marked "FREEDOM OF INFORMATION APPEAL" both on the envelope and the face of the letter. In order to expedite the appellate process and ensure full consideration of your appeal, your appeal should contain a brief statement of the reasons you believe this decision to be in error.

Additionally, the 2007 FOIA amendments directed the Chief FOIA Officer of each agency to designate one or more FOIA Public Liaisons. Please be advised that the DON FOIA Public Liaison is available to assist in disputes between the requester and the agency. The role of the Liaison is to provide FOIA requesters with an avenue to raise concerns about the service received from a Navy Requester Service Center. You may write to the DON FOIA Public Liaison at Department of the Navy Chief Information Office (DON CIO), 1000 Navy Pentagon, Washington, DC 20350-1000. Alternately, you may contact the DON FOIA Public Liaison via telephone at (703) 695-1297, via fax at (703) 614-4388, or via email at DONFOIAPublicLiaison@navy.mil.

In this instance, the fees associated with the processing of this request were below the minimum threshold and have not been assessed. Please be advised, however, that fees, fee categories, and fee waivers are determined on a case-by-case basis, and a previous determination has no influence on future determinations.

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Questions regarding the action this office has taken during the processing of your request may be directed to our FOIA Service Center at (202) 685-0412.

Sincerely,

A handwritten signature in black ink, appearing to read "Robin Patterson", with a stylized flourish at the end.

ROBIN PATTERSON

Head, DON PA/FOIA Program Office